

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

August 16, 2013 10:16 AM

TRACEY CORDS, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGANBY skt / MS SCANNED BY 2116Matthew Moore 362785

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

MALONEY/SCOVILLE

v.

Rum Mote, ARUS Walter, Arus Nevins, Sgt  
Bennetts MDOC officers Gaskill, Peiffer, Libaryien, Anna Estes Libaryien  
Norma Prece, Prisoner Dennis Beem, Doctor/RN Dennis Behler, warden Ken Makee  
Derrick Fountain

Case Number 1:13-cv-00669

(Enter above the full name of the defendant or defendants in this action.)

## AMENDED COMPLAINT

## I. Previous Lawsuits

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

N/A2. Is the action still pending? Yes ☐ No ☐a. If your answer was no, state precisely how the action was resolved: N/A3. Did you appeal the decision? Yes ☐ No ☐4. Is the appeal still pending? Yes ☐ No ☐a. If not pending, what was the decision on appeal? N/A5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐If so, explain: N/AII. Place of Present Confinement Ionia Bellamy Creek Correction Facility

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

## III. Parties

## A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Matthew Moore

Address 1727 West Bluewater Hwy Ionia Michigan 48846

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Ron Mote

Position or Title Rum

Place of Employment Ionia Bellamy Creek Correctional Facility

Address 1727 West Bluewater Hwy Ionia Michigan 48846

Official and/or personal capacity? Both

Name of Defendant #2 Laura Nevins

Position or Title ARUS

Place of Employment Ionia Bellamy Creek Correctional Facility

Address 1727 West Bluewater Hwy Ionia Michigan 48846

Official and/or personal capacity? Both

Name of Defendant #3 G. Walters

Position or Title ARUS

Place of Employment IBC Correctional Facility

Address 1727 West Bluewater Hwy Ionia Michigan 48846

Official and/or personal capacity? Both

Name of Defendant #4 Sgt Bennecks

Position or Title Sgt

Place of Employment IBC Correctional Facility

Address 1727 West Bluewater Hwy Ionia Michigan 48846

Official and/or personal capacity? Both

Name of Defendant #5 MDDC worker Gaskill

Position or Title Department of Corrections worker

Place of Employment IBC Correctional Facility

Address 1727 West Bluewater Hwy Ionia Michigan 48846

Official and/or personal capacity? Official

## IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On June 10, 2013 MDOC Officer Peiffer was mainly working the card swipe for chow lines when I was assaulted. Inmates tried to get him to respond to my being assaulted. When he came down after a few min (see Exhibits for details) He allowed inmate Beaman to walk past him and come to me. I was in this cell with Dennis Beaman for a few mins. Then on Aug 2, 2013 officer Peiffer throw my mail at face (on video)

Inmate Dennis Beaman came into the cell assigned to me 103 a lawyer, at this time he assaulted me by beating me in my head for a while and also my ribs while taunting me about how once the door had closed he was gonna enjoy himself.

I tried to cover my head up because I was already taken medication from really bad headaches.

The new meds make my kidneys hurt now, I do not know what to do. After being returned to unit 2 I have been in cell 216 top with what nurse told me were fractured ribs. I am on a top bed. Also on June 14<sup>th</sup> when being moved from unit 8 to unit 1 I had to carry a oversized bag from behind while handcuffed under these conditions of rib and head issues, video will show I had to stop a few time to gather myself to be able to move on to the next stop. Video will help produce these claims also.

V. Relief

State briefly and precisely what you want the court to do for you.

I ask this court for nominal damages, Compensatory and punitive from the JBC worker named as my defendants. I ask for compensatory damages from inmate Dennis Deamon. I also would ask court for an injunction to be allowed access to legal forms and legal copy just as all us citizens have the right to have to be able to present better work to courts, and access to research materials.

7-26-2013  
Date

Matth Moore  
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

## STATEMENT OF CLAIM

On June 10, 2013, I was violently assaulted inside my single-man cell. Prisoner Dennis Beamon assaulted me. I received injuries to the left side of my face and left side of my ribs during the attack. In the Misconduct Report it states we were alone for a few minutes. I am/was already taking Naproxen for head issues. Staff since have not taken these factor into consideration upon my well being. I've attached M.D.O.C. Kite responses, Grievance receipt and a 2013 calendar to hopefully produce 'color merit' to courts now. I have been in special housing protection unit for almost a year now. My cell was 3 doors and 3 steps from chow lines and in direct view of the 'bubble'. An ex-C/O stated that he used to do cell rushes on Beamon and he thought Beamon would have killed me do to knowing Beamon's heinous ways. IBC has since placed me into cell 216-T with Derrick Fountain 142416. I was moved from this room last year due to bad blood with him and I. Sgt. Told him quote "work it out, your grown men." Mr. Draham was grown too and got beaten to death in this protection unit by his roommate on March 07, 2013. I was in a single man cell but now I am in a double man and have no reason why. I was in a single man because it was proven that an inmate set me up with a knife in the mattress. Now I am in harms way again. By way of Factual basis i hope I have produced this much now. From the 10-25 is a 15 days I've sought out medical attention, (see attachment please). Lastly my cell should not have opened again. I had eaten for Law Library and merely was awaiting to go to do such. I requested to be in this Unit for safety, yet I feel very vulnerable now, based on current events. Sgt Bennick, Rum Mote (will not) Kowning the issue allow me to move. On June 17, 2013 Bennick forbide Ms Nevins to move me. On July 17, 2013 Rum Mote told me I could move in the end of Aug only if I Stoped wniting grievance about Ms. Walters not takeing my Legal out or any other grievance. The man in the cell with me has a horrible past history and I and he still have word of uncase. I should not have to live or sleep in fear.

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN GRAND RAPIDS

MATTHEW MOORE SR. #362785

PLAINTIFF et. & al's

-V-

MDOC (MICHIGAN DEPT. OF CORR.) DIR.

MDOC IBC WARDEN KEN MCKEE /

MDOC IBC LIBRARIAN NORMAN PREACE

MDOC IBC LIBRARIAN ANNA ESTES

MDOC FACILITY EMPLOYEE (GUARD) GASKILL

MDOC IBC EMPLOYEE (Sgt) Bernards

DEFENDANT ~~XXXXXX~~

MDOC IBC EMPLOYEE (Guard) Kelsy

MDOC IBC EMPLOYEE (ARMS) LUANA NEVINS

MDOC IBC EMPLOYEE (CUM) MOTE

) CASE NO# 1:13-CV-00669

) HON. JUDGE Maloney/Socville

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AMENDMENTED COMPLAINT under FED.R.CIVIL P. 15 (c)

MOTION FOR IMMEDIATE CONSIDERATION

MOTION FOR WRIT OF MANDAMUS.

ARGUMENT I

Now herecome's Plaintiff Matthew Moore Sr. # 362785 Ionia Bellamy  
Creek Corr. Fac. 1727 W. Bluewater HWY Ionia , Mich. 48846.

1) On July 29 013 MDOC IBC Warden Ken McKee clearly stated.

[" I MOORE PROVIDED NEITHER EVIDENCE'S NOR INFORMATION  
ABOUT ME BEING ASSULTED ...."]

See Cruel & Inhuman Treatment

under Welling -V- Welling 245 N.E. 2d 173-176

Also See Corporal Punishment Jackson -V- Bishop 404 F2d 571

Ingraham -V- Wright 97 S.ct 1401

2] The MDOC IBC prison Records Office keeps track of ALL Major /  
Minor Tickets / Assaults & Etc..

3] I Plaintiff Moore now produce in my Legal Exhibits that do  
substantials my claims. The Legal Exhibits along with MDOC IBC Warden  
Ken McKee our Legal Exhibit Statement's show MDOC IBC doe NOT have the  
best interest in mind.

4] The MDOC IBC Ticket in question clearly says I Moore was  
assaulted in my cell NO# 103 & the MDOC IBC Video will produce it as  
the MDOC IBC Ticket says. Also with these eye witness account & Thier  
Signed Affidavit's & other Legal Exhibit's.

5] MDOC Head Librarian Mr. Norman Preace - See Legal Exhibit  
NO# 1A,b Attached to the Amendment Complaint show's that since last  
year 012 this has been a on going issue' with MDOC IBC Library Staff &  
Legal Writer Mr. Hall. & Along with my other Legal Exhibits from my  
Agrophibia work book & P.S.I. Mental Health History.

6] I Moore hope to prove to this Hon. Court just how Mentally &  
Emotionally Ill ALL of this has made me. I am NO Doctor, but yet based  
upon factual issues I do suffer with great Mental Health issues. At  
this time I ask this Hon. Court if need be help me receive my childhood  
Mental Health History to help prove these are NOT issues I just

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happened upon, its been in my life since I was a youth.

ARGUMENT II

7] MDOC IBC LIBRARIAN MR. NORMAN PREACE has REFUSES me Mr. Moore all the normal things that even the MDOC POLICY states I Moore can have. MDOC IBC N. Preace told me that unless I Moore have Money I Moore am NOT allowed the same Rights as other MDOC Inmates See MDOC Policy PD 05.03.115 / PD 05.03.116/ 04.02.105 / 04.02.120 Also See MDOC Photocopies for Access to Courts / Photocopy Loans / Indigent MDOC State Prisoner's MDOC PD 05.03.115 (III)(HH)(II) PD 04.02.105 Access to the courts Gilmore -V- Lynch 319 FS 105 - 110 with money NO matter what MDOC Policy, because he can decided what is allowed or NOT, regardless of State / Federal (Fed) & or other Laws or Other rules.

8] MDOC Norman Preace also tell me I Moore am NOT allowed the State Appellate Defender Office (SADO) Motion Court Approved form Books because in his eye's they are merely blank LAW Forms & are NOT allowed to me because I Moore am Indigent (POOR) See Indigent Defendant 6<sup>th</sup> & 14<sup>th</sup> Amend. FEd. R.CRIM P. 44 / 18 USC § 3006 A FED R, APP P. (24) ( I Moore have traded State MDOC Food to access these Legal SADO Forms & etc.).

9] I Moore have tried to get Legal Copies of my Attorney Grievance Commission & Judicial Tenure Commission because I Moore trying to Exhaust ALL my State Remedies under Chelentis -V- Luckenbach 247 U.S. 372. MDOC IBC Mr. Norman Preace has FORBIDDEN me from doing such because I MOORE am Indigent (POOR).

10] Facility Employee (Guard) Gaskill has supervise the MDOC IBC



Law Library when Mr. N. Preace or Estes are NOT at work & this is a lot of times. Guard Gaskill is NOT a Professional Librarian & has NO skills or School in this area & he has REFUSES any access to any of the Legal Law books even when there is another Guard watching & I Moore MUST turn in State Prisoner I.D. to access these Law Books behind Staff counters.

11] When I Moore was placed in Admin SEG. (Box) I Moore need to do Legal research, because I Moore had a Dead line in Family Court & MDOC IBC does NOT assist in that area of Law See Legal Exhibit NO# 2 MDOC IBC Mr. Preace know's MDOC IBC Special Housing Unit 2 is ONLY allowed one (1) day a week for Legal Material. At that time I Moore requested a Legal copy of the section I Moore needed to study for my Appeal in this Courts'. MDOC IBC Mr. Preace again stated to me. Unless I become un-poor I Moore do NOT have the same EQUAL RIGHTS regardless if MDOC IBC will or will NOT assist me with my Family Law matters again See MDOC Policy Legal Exhibits. NO# 2

12] I Moore have tried to talk to him & I Moore have grieve him See Legal Exhibits No# 2. MDOC IBC Mr. Preace once Insulted me for NOT yielding to an MDOC IBC Legal Writer of his named HALL. He yell & call me a " A FOOL " Yet I Moore have gone up Forma Pauperis & by grace Hon. Courts have push me forward & the Other places I Moore go proper. I MOORE produce these facts to go forward with my Legal Work to go NO where fast. I've had to do Motions of Reconsideration & use unfit paper meaning damaged paper, because I Moore being Indigent am NOT allowed what money can by even if MDOC Policy says I Moore can have it. Like if I Moore need a State appointed Lawyer how do I Moore what Lawyer to request without researching first?

13] In April of 013 MDOC IBC Librarian Anna Estes started to

behave unfairly toward my Legal work as far as Legal Copies & copies of Legal Form's.

14] MDOC Deputy Maw & MDOC Mr. Preace BOTH (from what she said ) Instructed her to STOP doing copies for me & she has STOP doing my Legal Copies to the Courts.

15] Yet on July 24 013 MDOC IBC Mr. Preace was away for awhile & Ms. Estes was the ONLY MDOC IBC Librarian around. See Legal Exhibit No# 2 Attached clearly shows even thou the MDOC IBC Deputy Warden told her to ONLY have MDOC IBC Mr. Preace to do my Legal Copies.

16] I Moore truly believe she used this factor of MDOC IBC Preace being away to Mentally & bluntly abuse me & Lex Tallionis (Retaliate) against me.

17] The signed Legal Affidavit is from my eye witness's See Legal Exhibit No# 3<sup>A-E</sup>

#### RELIEF SOUGHT

WHEREFORE Plaintiff Moore Requests that this Hon. Court:

(A) Schedule this action for an Immediate show cause hearing:

(B) Issue a Writ of Mandamus or other appropriate ORDER commanding MDOC Defendant's to follow & compliance with the standards set forth in their Administrative rules & MDOC Policy Directives:

(C) Pursuant to MCL 600.4431 / MSA 27A. 4431 which provides that " (D)amages & Costs may be awarded in an action for mandamus " award to Plaintiff of Fifty-~~Five~~ Thousand Dollars (\$50,000.00) from EACH MDOC Defendant's as damages for their intentional & Deliberate disregard of

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Plaintiff: Matthew Moore

-v-

Defendants: ARUS Nevins, Run Mote, Sgt Bennecks, Warden McKee

### Complaint

I have sought out all means of not being harmed yet I assaulted again. ARUS Nevins was kited so many times. Run Mote did nothing about my issues. Sgt Bennecks forbid a move yet so many have been moved. It took Derrick to attack me to get me away from him. Smith v. Wade 461 US 3d (1983) Forcing me to live in a cell with was an act of what I believe to be retaliation. ARUS Nevins is known to follow the crowd. She does not do what is right even when she knows what's best.

### Relief sought

- 1) An injunction to pick my own roommate I feel safe with
- 2) For a full investigation on ARUS Nevins, Run Mote Sgt Benneck upon a string of behavior which may be seen as deliberate indifference, emotional injury and mental suffering "If" it is proved I seek their jobs to be taken.
3. I ask for 10,000,000 dollars for nominal damages, compensatory damages (I should not keep getting beat in a protection unit. and Punitive damages, they left me in a blighted harms way Derrick Fountaines file will produce such well as Aug 9, 2013 video.

- 4) For Derrick Fountain to be moved to Oaks protection with a no contact order between us, unless its through the courts.
- 5) I ask that an injunction be set in place to stop IBC from moving me to oaks to retaliate any further upon me.
- 6) An NO contact order between Run Mote and Sgt Bennecks and myself.
- 7) For IBC to consider a transfer for Run Mote and Sgt Bennecks as a reprimand when video evidence does indeed produce all I have claim.
- 8) For Warden McKee to fully investigated because I have submitted Factual bases which over turns his claim of my not have proof of evidence of being assaulted by way of IBC records.

### In Closing

This is my life. I want to live. I can deal with the fact Wayne County locked me up over a Macomb County issue which got me, but to keep being abused on top of it is heinous regardless of what a crime sheet says.

Your Honor... Once Eastern District Fed Courts receive the paper work which proves I lived in Roseville when my son Noah was in conception, just like DHS members and Detroit police, doesn't that make IBC indirectly responsible for any harm I go through also considering the fact I can be proven to be wrongfully imprisoned due to the fact; 2) Roseville is Macomb County 2) No one had consent to have my DNA paternity test 3) Wayne County Just redone these test because Spaulding For children is in Southfield Michigan. All kinds of jurisdictional lines have been crossed I am no trouble maker. In 1997 I received a nobell peace prize from Detroit Mayor Archer for most changed youth, I've been skiped grades in school and have 18 children and still more coming about. I did a thing but I am not that thing I am working on my first Doctrine in Ministry I just finished the test. I'm involved in all kinds of Court Case From Fed Courts, Family, Appeals. This is alot of stress on my weary soul and mind with so many loved ones to be concerned about,

Case 1:13-CV-00669

Aug 9, 2013

Matthew Moore 362785

-VS-



FOUNTAIN  
142416

### Complaint

On August 9, 2013 MDOC, I.B.C. performed moves (see attachments). They still refused to move me, Moore 362785 or Inmate Fountain who out weighs me by a hundred pounds. Inmate Fountain 142416 Attacked me. This is the second time inside this unit ment for protection has filed to protect me. Video will show at 3:20 pm Count time an Officer stops at cell 216 Top-Bottom because I informed this none regular staff member I was assaulted. He did nothing. Luckily the officers who are assigned to unit 2 2nd term did handle the matter. I was hit in the eye and left with a blood clot in it, my right eye. I live in fear more and more now.

## Complaint

I B.C. officer Kelsey comes up to A upper during count time on August 9, 2013 Around 3:23 p.m. I, Matthew Moore informed this man that I was being assaulted. He did not do anything. Nor did he attempt to inform the regular housing unit staff. Later at chow time after Inmate Fountains attack on me I was unable to get alone to inform officers. Video will show from the cell to chow hall til we went back he was close on my heels. ARUS never helps me so I felt it was pointless to seek help. Fountain walked me back to cell 2-216. Only once I was able to get to safety. I was Afraid because he said he'd stab me if I told but officers did handle it. Exhibits show I am still on head meds and nurse Joan Alfrey expressed her concerns to officers about me not being a single man... Inmate Christopher Goike 726449 is one of the inmates whom was moved twice in two weeks, yet I took another beaten twice within this protection unit in two months time with ARUS, warden, Burns being fulling aware of all my suffering. And a inmate from Cell 213 help Fountain close the cell also to keep me from getting out. Video will prove such also

Relief Requested

I am seeking 200,000.00 From MDOC officer Kelsey  
For his individual capacity upon this issue.

He was inform of my assault and did nothing but ask me  
why did I not try to convince him more about my being  
abused by inmate Fountain. This includes nominal and  
compensatory, punitive, mental and emotional injury. He  
left me to my tormenter to be more abused by  
words and threats of being stabbed by Inmate Fountain.

I am seeking 3,000,000.00 From MDOC ARUS  
AUGA Nevins, RUM Mote and Sgt Bennek also warden  
McKee. They all show deliberate indifference and  
used excessive, abusive force to try to punish me  
for the lawsuit. I am very mentally and emotionally  
distress. I do not trust their judgement call and  
NEVER ever will again. They tried to use a 3rd  
party (inmate) to kill me. This man is a killer and  
Rapist. This is too much.

I am asking for an injunction to be placed on  
the official capacity of IBC. I am scared to  
have the roommate they feel is suitable now and FOREVER  
Yet I am in terror of a single man cell. I wish  
to pick my own cell roommate To feel a bit better about  
waking up. I seek 100,000.00 From both Fountain  
and inmate Beamon for the assaults and 50,000.00  
all my mental anguish, suffering they both have subjected me  
to JUST as I.B.C Member have now cc